

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CLEANUP AND ABATEMENT ORDER NO. 98-056  
(FILE NO. 107.0314)

Cleanup and Abatement Order No. 98-056 requiring Mr. Richard D'Epifano and Mrs. Geraldine Rumore to conduct site assessment and cleanup, and abate the effects of contaminants discharged to soil and groundwater.

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), finds that:

1. The subject property is located at 3013 Potrero Avenue (the "Property") in the City of South El Monte, California. The Property was owned by Mr. Joseph Rumore and Mrs. Geraldine Rumore (Rumores) from 1956 to May 1988. Prior to 1956, Skylight Battery Company manufactured automobile batteries at the Property. The Rumores reportedly operated at the Property a battery shop when they owned Ru-More Battery from 1956 to February 1986. From February 1986 to May 1988, the Property was leased to Palmer Battery (Palmer). Mr. Rumore is deceased.
2. Tetrachloroethylene (PCE) and trichloroethylene (TCE) were reportedly used by Ru-More Batteries and/or Palmer in their operations.
3. Mr. Richard D'Epifano purchased the Property in May 1988. The Property was reportedly operated as a battery shop by various tenants from May 1988 to July 1997.
4. Since approximately July 1997, Mr. D'Epifano reportedly stopped paying the mortgage to Mrs. Rumore and the Property was foreclosed around December 1997. Currently, the Property is reportedly listed for sale by Mrs. Rumore.
5. During a site inspection on September 17, 1987, Regional Board staff noted that paints and solvents were improperly stored and handled at the Property. Signs of soil contamination were noted near a battery washing rack.
6. On February 16, 1988, Regional Board staff collected soil samples at one foot below ground surface (bgs) near the battery washing rack. PCE (740 ug/kg) was detected in the samples.
7. In July 1988, a soil and groundwater assessment was performed and results were submitted by Remedial Engineering, Inc. (REI) in a report dated September 9, 1988. One groundwater monitoring well (MW-1) was installed near the battery washing rack. Maximum concentrations of 1,2-DCA (16 ug/kg), PCE (3,300 ug/kg), TCA (210 ug/kg), and TCE (800 ug/kg) were detected in the soil to a depth of 20 feet bgs. Concentrations of 1,1-DCA (5 ug/l), 1,2-DCA (1 ug/l), PCE (7 ug/l), TCA (3 ug/l), and TCE (3 ug/l) were detected in the groundwater.
8. In November 1988, a soil and groundwater assessment was performed and results were submitted by REI in a report dated January 6, 1989. Two 10-foot borings were drilled in the

bare soil area in the western property boundary and two groundwater monitoring wells (MW-2 and MW-3) were installed at the site. VOCs were not detected in the soil samples from the borings and well boreholes at the detection limits of 5 ug/kg. Maximum concentrations of 1,1-DCA (15 ug/l), 1,2-DCA (2 ug/l), PCE (9 ug/l), and TCE (3 ug/l) were detected in the groundwater samples collected from the monitoring wells.

9. In July 1989, a soil and groundwater assessment was performed and results were submitted by Ami Adini & Associates (AAA) in a report dated November 17, 1989. One groundwater monitoring well (MW-4) was installed near the northwest corner of the Property. Volatile organic compounds (VOCs) were not detected in soil samples from the well borehole at the detection limits of 100 ug/kg. Maximum concentrations of 1,1-DCA (13 ug/l) and PCE (12 ug/l) were detected in groundwater samples collected from the new and existing groundwater monitoring wells.
10. On September 23, 1995, Regional Board staff required quarterly sampling of four existing groundwater monitoring wells. However, this requirement has not been complied with. In February and May 1997, the monitoring well (MW-1) near the former battery wash rack was sampled twice by USEPA's consultant. Maximum concentrations of 1,1-DCA (11 ug/l), PCE (89 ug/l), and TCE (31 ug/l) were detected in groundwater.
11. In December 1995, a soil gas survey was performed and results were submitted by Reynolds Group in a report dated December 1995. A total of twelve (12) probes to a maximum depth of 20 feet bgs were installed. Maximum concentrations of PCE (3,273 ug/l) and TCE (633 ug/l) were detected in the probes near the former battery wash rack.
12. On January 18, 1996, Regional Board staff required a remedial action plan (RAP) to be submitted to cleanup the contaminated soil at the Property. In July 1997, the RAP was received. In September 1997, Regional Board staff approved the RAP.
13. Since September 1997, Regional Board staff have requested that the approved RAP be implemented in a timely manner. However, the RAP has not been implemented. In addition, Mrs. Rumore has refused to meet with Regional Board staff to discuss issues of the soil cleanup.
14. Section 13304 of the California Water Code states, in part, that:  
  
"Any person ... who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the Regional Board clean up such waste or abate the effects thereof or, in the case of threatened pollution or nuisance, take other necessary remedial action."

15. This enforcement action is being taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et. seq.) in accordance with section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, that pursuant to California Water Code Section 13304, that Mr. Richard D'Epifano and Mrs. Geraldine Rumore shall:

1. Cleanup and abate VOCs contamination of the vadose zone of the former Palmer Battery facility at 3013 Potrero Avenue in the City of South El Monte, California.
2. The RAP approved by Regional Board staff in September 1997 must be implemented by **August 15, 1998**. Remedial status reports must be submitted **every three months** following the RAP implementation until the completion of the remedial process.
3. Perform groundwater monitoring using the four existing groundwater monitoring wells starting on **October 15, 1998** and **every three months** after that for a one year period. Groundwater samples must be tested by USEPA Method 601 or 604. Results of the testing must be submitted to us within 30 days of each sampling event, and must be in accordance with San Gabriel Valley Cleanup Program guidelines (copies of the said guidelines are available upon request). At the end of the monitoring period, Regional Board staff may discontinue the monitoring requirements or reduce the sampling frequency to semi-annual.
4. Provide the Regional Board staff with two weeks advance notice of any planned physical alteration to the facility that may affect compliance with this order.
5. Provide the Regional Board staff with thirty days advance notice of any planned changes in name, ownership, or control of the facility; provide notice to any succeeding owner or operator of the existence of this order by letter and forward a copy of such notification to the Regional Board staff.

This order may be revised by the Regional Board through its Executive Officer as additional information from the assessment(s) becomes available. The authority of the Regional Board, as contained in the California Water Code, to order investigation and cleanup additional to that described herein, is in no way limited by this order.

Failure to comply with the terms or conditions of this order may result in imposition of civil liabilities, either administratively by the Regional Board or judicially by the Superior Court in accordance with Section 13350, et seq., of the California Water Code, and/or referral to the Attorney General of the State of California for such action as he may deem appropriate.

Ordered by:

Dennis A. Dickerson  
Executive Officer

Dated: July 10, 1998